

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IFW

Applicant(s): Lebovic et al.

Group Art Unit: 3736

Serial No.: 10/658,518

Examiner: Unassigned

Filed: 9 September 2003

Docket No.: 312.00010101

Confirmation No.: 1942

Title: BRACHYTHERAPY APPARATUS AND METHODS OF USING SAME

**MAIL STOP AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

We are transmitting the following documents along with this Transmittal Sheet (which is submitted in triplicate):

- ☒ **Small entity status is entitled to be asserted in the above-identified application.**
- ☒ An itemized return postcard.
- ☐ A Petition for Extension of Time for \_\_ month(s) and a check in the amount of \$\_\_ for the required fee.
- ☒ An Information Disclosure Statement (2 pgs); copies of 0 applications; 1449 forms (4pgs); copies of 19 documents cited on the 1449 forms; and a copy of International Search Report (4 pgs).
- ☐ A check in the amount of \$\_\_, representing \_\_.
- ☐ A certified copy of a \_\_ application, Serial No. \_\_, filed \_\_\_\_, the right of priority of which is claimed under 35 U.S.C. §119.
- ☐ Other: \_\_.
- ☐ Amendment ☐ No Additional fee is required. ☐ The fee has been calculated as shown:

Fee Calculation for Claims Pending After Amendment					
	Pending Claims after Amendment (1)	Claims Paid for Earlier (2)	Number of Additional Claims (1-2)	Cost per Additional Claim	Additional Fees Required
Total Claims				x \$9 =	
Independent Claims				x \$43 =	
One or More New Multiple Dependent Claims Presented? If Yes, Add \$145 Here →					
Total Additional Claim Fees Required					

**Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 13-4895.**

**Triplicate copies of this sheet are enclosed.**

**CERTIFICATE UNDER 37 C.F.R. §1.8:** The undersigned hereby certifies that this Transmittal Letter and the paper(s), as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10<sup>th</sup> day of June, 2004.

MUETING, RAASCH & GEBHARDT, P.A.

Customer Number: 26813

By: Matthew W. Adams

Name: Matthew W. Adams

Reg. No.: 43,459

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Facsimile: 612-305-1228



PATENT  
Docket No. 312.00010101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Confirmation No.: 1942	)	
	)	
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For: BRACHYTHERAPY APPARATUS AND METHODS OF USING SAME		

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**INFORMATION DISCLOSURE STATEMENT**

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with C.F.R. §§ 1.97 *et. seq.*, the materials enclosed herewith are brought to the attention of the Examiner as possibly being of interest in connection with the above-identified patent application. Per M.P.E.P. § 609, the information cited in the present Information Disclosure Statement shall not be construed to be an admission that the information is, or is considered to be, material to patentability. Consideration of each of the documents listed on the attached 1449 form(s) is respectfully requested. As this patent application was filed after June 30, 2003, copies of the U.S. patents and U.S. patent application publications listed on the attached 1449 form(s) have not been submitted. Pursuant to the provisions of M.P.E.P. §609, Applicants further request that a copy of the 1449 form(s), marked as being considered and initialed by the Examiner, be returned with the next Official Communication.

A copy of the International Search Report issued in corresponding International Application No. PCT/US03/28343 is also enclosed.

**Information Disclosure Statement**

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It is believed that no fee is due, as this Information Disclosure Statement is filed prior to the receipt of any Action on the merits. However, in the event a fee is due, please charge any fee or credit any overpayment to Account No. 13-4895.

The Examiner is invited to contact Applicants' Representatives at the below-listed telephone number, if they can be of any assistance during prosecution of the present application.

**CERTIFICATE UNDER 37 C.F.R. 1.8:**

The undersigned hereby certifies that this paper is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10th day of June, 2004.

Matthew W. Adams  
Matthew W. Adams

Respectfully submitted for

Gail S. Lebovic et al.

By

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10 June 2004

Date

By:

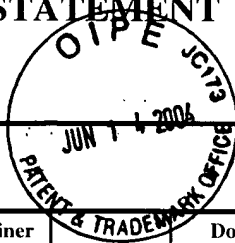
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<b>INFORMATION DISCLOSURE STATEMENT</b>	Atty. Docket No.: 312.00010101	Serial No.: 10/658,518
	Applicant(s): Lebovic et al.	Confirmation No.: 1942
	Application Filing Date: 9 Sept. 2003	Group: 3736
	Information Disclosure Statement mailed: 10 June 2004	



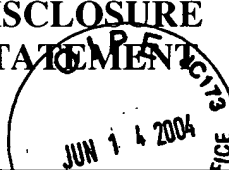
## U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	3,351,049	11/07/67	Lawrence			
	3,750,653	08/07/73	Simon			
	3,968,803	07/13/76	Hyman			
	4,323,055	04/06/82	Kubiatowicz			
	4,509,506	04/09/85	Windorski et al.			
	4,697,575	10/06/87	Horowitz			
	5,152,741	10/06/92	Farnio			
	5,538,502	07/23/96	Johnstone			
	5,913,813	06/22/99	Williams et al.			
	5,916,143	06/29/99	Apple et al.			
	6,074,338	06/13/00	Popowski et al.			
	6,221,003 B1	04/24/01	Sierocuk et al.			
	6,264,599 B1	07/24/01	Slater et al.			
	6,267,718 B1	07/31/01	Vitali et al.			
	6,306,074 B1	10/23/01	Waksman et al.			
	6,309,369 B1	10/30/01	Lebovic			
	6,405,733 B1	06/18/02	Fogarty et al.			
	6,454,696 B1	09/24/02	Kindlein et al.			
	6,537,193 B1	03/25/03	Lennox			
	6,540,656 B2	04/01/03	Fontayne et al.			
	2001/0053870 A1	12/20/01	Loffler et al.			
	2002/0022781 A1	02/21/02	McIntire et al.			
	2002/0058851 A1	05/16/02	Halpern			
	2002/0077552 A1	06/20/02	Edwardsen et al.			

EXAMINER

Date Considered

\*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	2002/0169354 A1	11/14/02	Munro, III			
	2002/0177748 A1	11/28/02	Munro, III			
	2003/0018232 A1	01/23/03	Elliott et al.			

## FOREIGN PATENT DOCUMENTS

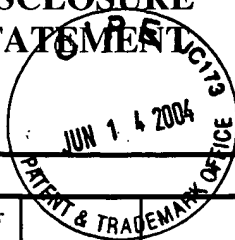
Examiner Initial	Document Number	Date	Country	Class	Subclass	Translation	
						Yes	No
	NONE						

## OTHER DOCUMENTS (Including Authors, Title, Date, Pertinent Papers, etc.)

Examiner Initial	Document Description
	"Brachytherapy Accessories" datasheet [online]. COOK Incorporated, Bloomington, Indiana, 2000 [retrieved on 2004-03-15]. Retrieved from the Internet:<URL:http://www.cookincorporated.com/products/oncology/pdf/RADO N08.pdf>;1 pg.
	Breast Applicators. [online] Nucletron B.V. 2004 [retrieved on 2004-06-04]. Retrieved from the Internet: <http://www.nucletron.com/?url=%2Fcontent%2Fcontentpage.aspx%3Fapp%3Dcontent%26sub%3Dtempt%26cpid%3D135%26miid%3D140; http://www.nucletron.com/upload/PDF/brachy/Rabbit%20Breast%20Applicator%20Set.pdf>; 3 pgs.
	"Breast HDR Brachytherapy," [online] California Endocurietherapy Cancer Center (CET). [retrieved on 2004-03-04]. Retrieved from the Internet: <URL:http://www.cetmc.com/breast%20brachytherapy.html>. (3 pgs.).
	"Coronary and Peripheral Artery Endovascular Brachytherapy for the Prevention of Restenosis," [online] California Endocurietherapy Cancer Center (CET). [retrieved on 2004-03-04]. Retrieved from the Internet: <URL:http://www.cetmc.com/endovascular.html>. (1 pg.).
	Edmunson et al., <i>Dosimetric Characteristics of the Mammosite RTS, A New Breast Brachytherapy Applicator</i> , Int. J. Radiation Oncology Biol. Phys., Vol. 52, No. 4, pp. 1132-1139, 2002.

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	"Flexible Implant Catheters" datasheet [online]. COOK Incorporated, Bloomington, Indiana, 2000 [retrieved on 2004-03-15]. Retrieved from the Internet: <http://www.cookincorporated.com/products/oncology/pdf/RADON01.pdf>; 2 pgs.
	"Gall Bladder, Bile Duct and Esophageal Cancer," [online] California Endocurietherapy Cancer Center (CET). [retrieved on 2004-03-04]. Retrieved from the Internet: <URL:http://www.cetmc.com/biliary-esophagus.html>. (1 pg.).
	"Gynecologic HDR Brachytherapy," [online] California Endocurietherapy Cancer Center (CET). [retrieved on 2004-03-04]. Retrieved from the Internet: <URL:http://www.cetmc.com/gynecologic.html>. (3 pgs.).
	"Head and Neck HDR Brachytherapy," [online] California Endocurietherapy Cancer Center (CET). [retrieved on 2004-03-04]. Retrieved from the Internet: <URL:http://www.cetmc.com/head-and-neck.html>. (2 pg.).
	"I-125 Seeds <sup>R</sup> in Carrier No. 6720". 3M, Medical Products Division, St. Paul, Minnesota 1 pg.
	"InterStrand" [online] International Brachytherapy, Belgium [Retrieved on 17 July 2003] Retrieved from the Internet: <http://www.prline.com/mriwebsites/ibtb2/en/3_4.html>; (2 pgs.).
	"Lung HDR Brachytherapy," [online] California Endocurietherapy Cancer Center (CET). [retrieved on 2004-03-04]. Retrieved from the Internet: <URL:http://www.cetmc.com/lungbrachytherapy.html>. (1 pg.).
	"NAG Brachyflex Catheter Implant Sets" datasheet [online]. COOK Incorporated, Bloomington, Indiana, [retrieved on 2004-03-15]. Retrieved from the Internet: <http://www.cookincorporated.com/products/oncology/pdf/RADON02.pdf>; 1 pg.
	Pendlebury, S., <i>The Uses of Brachytherapy</i> , Breast NEWS: Newsletter of the NHMRC National Breast Cancer Centre, Vol. 4, No. 1, [online] retrieved from URL <http://www.nbcc.org.au/pages/info/resource/nbccpubs/brnews/98aut/aut5.htm>; 1998.

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	"Prostate Brachytherapy," [online] California Endocurietherapy Cancer Center (CET). [retrieved on 2004-03-04]. Retrieved from the Internet: <URL:http://www.cetmc.com/prostate.html>. (10 pgs.).
	<i>Questions and Answers about High Dose Rate Brachytherapy</i> , Brochure by Nucletron, Columbia, MD, No. 308932-00, 2 pgs.
	"Soft Tissue Sarcomas," [online] California Endocurietherapy Cancer Center (CET). [retrieved on 2004-03-04]. Retrieved from the Internet: <URL:http://www.cetmc.com/soft-tissue-sarcoma.html>. (1 pg.).
	Tumiel, C., <i>New Procedure May Reduce Breast Cancer Treatment</i> , San Antonio Express-News, [online] retrieved from URL <http://199.97.97.16/contWriter/yhd7/2002/05/22/medic/4431-0009-pat_nytimes.html>; 2 pgs, 2002. Retrieved on 6 September 2002.
	"Varisource Remote Afterloading Catheters (VRAC)" datasheet [online]. COOK Incorporated, Bloomington, Indiana, 2000 [retrieved on 2004-03-15]. Retrieved from the Internet: <URL:http://www.cookincorporated.com/products/oncology/pdf/RADON03.pdf>; 1 pg.

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